

COURT UNITED STATES DISTRICT COURT

COUNTY OF

SOUTHERN DISTRICT OF NEW YORK

NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT, FKA THE NEW YORK STATE DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT, AN OFFICIAL AGENCY WITHIN THE ADMINISTRATIVE OFFICES OF THE STATE OF NEW YORK,

Plaintiff(s)

against

MICHAEL NNAMDI STEWART, AN INDIVIDUAL AND MOSAYK, INC., A NORTH CAROLINA CORPORATION

Defendant(s)

Index No. 07 CV 03786 (RMB)

AFFIDAVIT OF
SERVICE OF ~~SUMMONS~~
~~(PROCESSING)~~
SEE ATTACHED RIDER

NORTH CAROLINA

STATE OF ~~NEW YORK~~ COUNTY OF WAKESS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides ~~IN~~ IN THE STATE OF NORTH CAROLINA

That on 7/10/07

at 5:00 P.M., at 4649 VENDUE RANGE DRIVE, RALEIGH, NORTH CAROLINA

deponent served the within ~~SUMMONS~~ ~~on~~ on

defendant therein named,

SEE ATTACHED RIDER

MOSAYK, INC.

INDIVIDUAL

1. ☐

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☒

a DOMESTIC corporation, by delivering thereof a true copy of each to MICHAEL NNAMDI STEWART personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON

1. ☐

by delivering thereof a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4. ☐

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereof, having called there

MAILING TO
RESIDENCE
USE WITH 3 OR 45a. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO
BUSINESS
USE WITH 3 OR 45b. ☐

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION
USE WITH
1, 2, OR 3☒

<input checked="" type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input type="checkbox"/> Female	<input checked="" type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input checked="" type="checkbox"/> Over 6'	<input checked="" type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYU CIVIL CT.☐

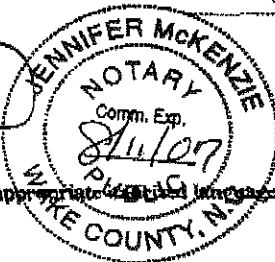
The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE☐

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on
JULY 12 2007

Jennifer McKenzie

PRINT NAME BEHIND SIGNATURE
LAURA ROBERTS

License No. _____

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate language and military service allegation if not applicable.

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SOUTHERN DISTRICT OF NEW YORK**

Case No. 07 CV 03786 (RMB)

NEW YORK STATE DEPARTMENT OF ECONOMIC
DEVELOPMENT F/K/A THE NEW YORK STATE
DEVELOPMENT OF COMMERCE ECONOMIC
DEVELOPMENT, AN OFFICIAL AGENCY WITHIN
THE ADMINISTRATIVE OFFICES OF THE STATE
OF NEW YORK

Plaintiff,

vs.

**RIDER TO
AFFIDAVIT OF
SERVICE**

MICHAEL NNAMDI STEWART, AN INDIVIDUAL AND
MOSAYK, INC., A NORTH CAROLINA CORPORATION

Defendants.

List Of Documents Served:

- Order To Show Cause;
- [Proposed] Final Judgment Under Default And Order For Reversal Of T.T.A.B. Decision, Permanent Injunction, Damages, And Award Of Attorneys' Fees And Costs;
- Affidavit Of Daniel I. Schloss In Support Of Order To Show Cause With Exhibits